**Department of Climate Change,
Energy, the Environment and Water**

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Sunehla Bala
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Planning Proposal – Redbank Expansion Area (Kemsley Park)

Dear Sunehla

Thank you for the opportunity to comment on the Planning Proposal to amend the planning controls under *Hawkesbury Local Environmental Plan 2012* (LEP) for 322 Grose Vale Road, Grose Vale to allow for development of the Redbank Expansion Area (Kemsley Park), as follows:

- rezone the site to part R2 Low Density Residential and R5 Large Lot Residential for development of up to 1400 additional dwellings, and part RE1 Public Recreation for stormwater infrastructure, open space and environmental protection
- amend the minimum lot size for the subject site to part 375m^2 and part 1500m^2
- allow dual occupancies as an additional permitted use, subject to lot size requirements.

Local Planning Direction 3.2 Heritage Conservation requires planning proposals to address the conservation of environmental heritage and Aboriginal cultural heritage.

Heritage NSW has reviewed the Planning Proposal (GLN, 2024), Heritage Statement (Urbis, 2024), and Aboriginal Heritage Due Diligence Report (Artefact, 2024) and prepared the following advice.

State heritage considerations under the *Heritage Act 1977*

Although the subject site is not listed on the State Heritage Register (SHR), it is surrounded on three sides (to the northwest, northeast and southwest) by the SHR listed 'Yobarnie Keyline Farm' (SHR 01826).

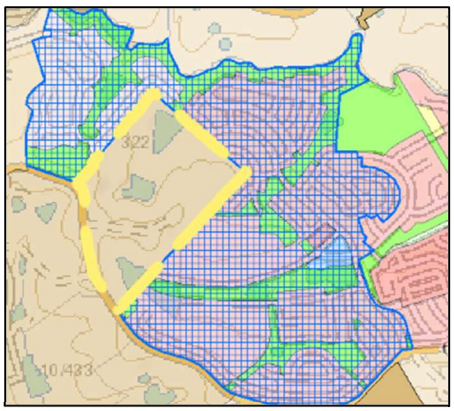

Figure 1 - Subject Site (yellow outline) and SHR item (blue hatching)

Additionally, early draft mapping for the SHR listing included the subject site in the curtilage of the SHR item and assessed the Subject Site as having some State significant heritage values.

The Statement of Significance in the Conservation Management Plan (CMP) for Yobarnie identifies:

> *The former Yobarnie is of State Heritage Significance for its historic, associative, and aesthetic values and for its research potential and rarity.*

The site has historical significance at a State level for its role as one of two demonstration farms where the Keyline system was developed in the early 1950s. From 1944 Yobarnie was the experimental site for soil development concepts informing the Keyline philosophy, which was first implemented and developed on the adjacent Nevallan in 1952.

The Keyline plan is of significance as a precursor to the Permaculture and Landcare movements and has continued to develop as a land management system, although at the time of its development it was considered radical.

The existing Redbank subdivision has seen significant housing development within the curtilage of the SHR item in recent years, which has significantly altered the landscape setting of the item.

Having regard to the above, the provided Heritage Statement makes several recommendations to inform the Planning Proposal, in summary:

- redevelopment should seek to mitigate potential heritage impacts by adopting a consistent methodology to that applied at Redbank, including maintaining significant keyline features in the public domain, reapplying / interpreting the keyline and adopting City Forest principles to apply keyline in the urban environment as well as maintaining the landform, minimising cut and fill and earthworks where possible, and retaining significant tree plantings (keyline contour, Cumberland Plain Woodland and River-Flat Eucalypt Forest
- proposed redevelopment should have regard for the CMP and policies therein
- proposed redevelopment should have regard for the Redbank DCP
- broad principles for heritage interpretation, including retention of dams subject to modification or interpretation, dam safety and ecological requirements, retention of open space vistas and ridgeline planting where practicable.

Given the significant recent development within the curtilage of the SHR item, the above approach is considered an appropriate environmental heritage response. The Planning Proposal and future development should be informed by the full suite of recommendations located at pages 18-20 of the Heritage Statement, under the heading *5.5. Summary Guidelines for Subdivision and Redevelopment*.

Aboriginal cultural heritage considerations under the *National Parks and Wildlife Act 1974*

Aboriginal Due Diligence Assessment is not considered sufficient assessment

We note that an Aboriginal Heritage Due Diligence Assessment has been prepared to inform this Planning Proposal.

We advise Council that an assessment under the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW is not considered sufficient to inform a Planning Proposal and is not a substitute for a comprehensive Aboriginal Cultural Heritage Assessment Report (ACHAR).

The due diligence process does not adequately assess impacts on Aboriginal cultural heritage. This is because without Aboriginal community consultation and archaeological assessment the extent of the impacts on Aboriginal objects and heritage values through the Planning Proposal and future development is not known.

A comprehensive Aboriginal cultural heritage assessment report is recommended

Heritage NSW recommends that a comprehensive ACHAR is prepared to inform the Planning Proposal. The ACHAR needs to be prepared in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales, and include:

- archaeological investigation
- Aboriginal community consultation, in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents
- impact assessment and appropriate management or mitigation measures for any recorded Aboriginal objects on the land.

An ACHAR, prepared early in the planning process, provides the best opportunity to identify and protect Aboriginal cultural heritage values. It also provides certainty to all parties on Aboriginal cultural heritage constraints and management requirements.

It is important that any management, mitigation and conservation mechanisms are developed at the Planning Proposal stage to help mitigate the cumulative impact of development in the area on Aboriginal cultural heritage.

If you have any questions about the above, please contact James Sellwood, Senior Planning Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au.

Yours sincerely

Andreana Kennedy

Andreana Kennedy
Practice Lead, Planning Referrals and Advice
As delegate of the Heritage Council of NSW and for Heritage NSW
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